

**COPY**

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
LASALLE COUNTY, ILLINOIS

CITY OF MARSEILLES, AN ILLINOIS  
MUNICIPAL CORPORATION, AND THE  
MARSEILLES EMERGENCY TELEPHONE  
SYSTEM BOARD, AN AGENCY OF THE  
CITY OF MARSEILLES, ILLINOIS,

Plaintiffs,

v.

MARSEILLES TELEPHONE COMPANY,  
AND AMERITECH,

Defendants.

**FILED**  
OCT 25 2000

LA SALLE COUNTY CIRCUIT CLERK  
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

NO. 2000-CH-115

**TEMPORARY RESTRAINING ORDER AND PERMENANT INJUNCTION**

This cause having come on for hearing before the Court on Plaintiffs', Motion with notice, for a Temporary Restraining Order and Permanent Injunction against Marseilles Telephone Company and Ameritech, all parties appearing by and through their respective attorneys or having waived appearances and stipulated to entry of this Order, and the Court having examined the Complaint and Motion and having heard arguments of counsel, if any, and being fully advised in the premises, finds as follows:

1. Immediate and irreparable injury will result to Plaintiffs and their citizens and residents unless a temporary restraining order and permanent injunction is issued directing the Defendants, and each of them, to provide to Plaintiffs, all non-published and non-listed telephone numbers and addresses of subscribers within the City of Marseilles and within the 795 telephone exchange (hereinafter referred to "Defendant's Records"). Without such records to correct 9-1-1 Database errors, Plaintiffs' ability to quickly and efficiently provide

emergency law enforcement, fire and medical services to their citizens and residents who have non-published or non-listed telephone numbers will be substantially impeded.

2. Immediate and irreparable injury will result to Plaintiffs and their citizens and residents unless a temporary restraining order and permanent injunction is issued in that failure to provide "Defendant's Records" to correct 9-1-1 Database errors substantially impedes Plaintiff's ability to reach and attain the legitimate emergency law enforcement, fire and medical service goals required by the Illinois General Assembly, thereby causing irreparable harm to Plaintiff's emergency law enforcement, fire fighting, and medical response programs for their citizens and residents.

3. The Defendants' determination not to supply "Defendant's Records" to Plaintiffs is based upon the provisions of the *Electronic Communication Privacy Act*, 18 USC 2701 *et seq.*

4. Plaintiffs have shown that "Defendant's Records" are relevant to a legitimate law enforcement inquiry in accordance with the *Electronic Communication Privacy Act*, 18 USC 2703(d).

5. Access to "Defendant's Records" is needed by Plaintiffs to efficiently and effectively operate their 9-1-1 system and to assist them in responding to all telephone calls made to Plaintiffs for emergency law enforcement assistance, which calls serve a legitimate law enforcement purpose.

6. Disclosure of "Defendant's Records" to Plaintiffs for the limited purposes of assisting them in responding to emergency law enforcement, fire and medical calls must be under such terms and conditions which will protect the privacy of subscribers, insure that such access does not disrupt Defendants' telephone service or place an unreasonable burden on

Defendants' subscribers or services, and protect Defendants from liability arising from Plaintiff's access to and use of "Defendant's Records".

THEREFORE, IT IS HEREBY ORDERED, pursuant to 18 USC 2703(d), that Defendants, Marseilles Telephone Company and Ameritech, and each of them, shall immediately provide and Plaintiffs shall have immediate access to "Defendant's Records", containing all non-published or non-listed telephone numbers and addresses of Defendant's subscribers in the geographic areas to be served by Plaintiffs' 9-1-1 telephone system subject to the following conditions and limitations:

1. Defendant shall provide and Plaintiff shall have access to "Defendant's Records" from and after the date of the entry of this Order during the development and implementation of the City of Marseilles 9-1-1 System and thereafter as needed for error corrections.

2. "Defendant's Records" shall only be made available to and accessible by authorized employees or agents of the Plaintiffs, Plaintiffs' 9-1-1 Coordinator and his designees, and such other persons as are mutually agreed upon between the Plaintiffs and Defendants.

3. Plaintiffs shall advise any such employee, agent, coordinator or designees who is given access to "Defendant's Records" of the requirements of this Order and to obtain such persons agreement in writing to comply with the confidentiality provisions of this Order.

4. All persons and entities obtaining access to "Defendant's Records" shall keep all of the non-published and non-listed telephone numbers and addresses confidential and shall only use such records for the sole purpose of ascertaining the originating telephone location and customer listings to insure that all customers are identified with the proper addresses in the Plaintiffs' 9-1-1 system so that 9-1-1 emergency calls for assistance result in a timely and accurate response of police, fire and medical services.

5. Plaintiffs shall take all necessary steps to protect the privacy of the Defendants' subscribers, insure that the access to "Defendants Records" granted by this Order does not disrupt Defendants' telephone service or place an unreasonable burden on Defendants' subscribers or services, and protect Defendants from any liability arising from Plaintiffs' access to and use of "Defendant's Records".

6. The responsibility of Defendants is limited to the furnishing of "Defendant's Records".

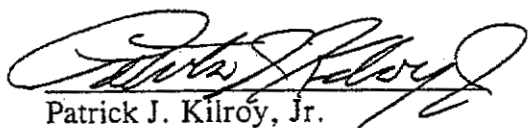
7. Plaintiff's bonds are waived.

8. The Court retains jurisdiction of this cause to enforce this Order upon written motion with notice, by any of the parties hereto.

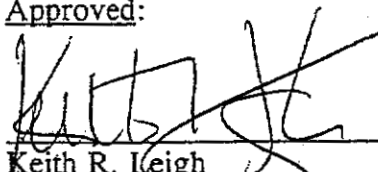
Entered: 10/23/2000

  
Judge of the Thirteenth Judicial Circuit  
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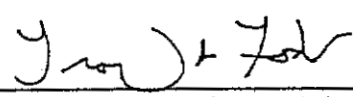
Approved:

  
Patrick J. Kilroy, Jr.  
Counsel for Ameritech

Approved:

  
Keith R. Leigh  
Counsel for the City of Marseilles

Approved:

  
Troy A. Fodor, Counsel for  
Marseilles Telephone Company

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
LASALLE COUNTY, ILLINOIS

CITY OF MARSEILLES, AN ILLINOIS )  
MUNICIPAL CORPORATION, AND THE )  
MARSEILLES EMERGENCY TELEPHONE )  
SYSTEM BOARD, AN AGENCY OF THE )  
CITY OF MARSEILLES, ILLINOIS, )

Plaintiffs, )

v. )

MARSEILLES TELEPHONE COMPANY, )  
AND AMERITECH, )

Defendants. )

NO. 2000-CH-

**COPY**

COMPLAINT FOR INJUNCTIVE RELIEF

Now come the Plaintiffs, City of Marseilles, an Illinois Municipal Corporation, and the Marseilles Emergency Telephone System Board, an agency of the City of Marseilles, by Keith R. Leigh of Pool, Leigh & Fabricius, their attorney, and for complaint against the Defendants, Marseilles Telephone Company and Ameritech, allege and state as follows:

1. Plaintiff, City of Marseilles is a Municipal Corporation and Body Politic in the State of Illinois, with offices at 209 Lincoln Street, Marseilles, LaSalle County, Illinois, 61341.
2. Plaintiff, Marseilles Emergency Telephone System Board is an agency of the City of Marseilles organized and existing pursuant to the Emergency Telephone System Act, (the "Act"), (50 ILCS 750/0.01, *et seq.*).
3. Defendant, Marseilles Telephone Company is an Illinois Corporation providing telephone service within the geographic area served by the Plaintiff's 9-1-1 System, and

providing telephone service to emergency law enforcement, fire and medical services.

4. Defendant, Ameritech is a corporation providing telephone service within the geographic area served by the Plaintiff's 9-1-1 System, and providing telephone service to emergency law enforcement, fire and medical services.

5. The Plaintiffs currently provide emergency telephone service (9-1-1) within and outside its corporate jurisdiction pursuant to the Act.

6. The Plaintiffs are implementing a "sophisticated" (enhanced) emergency telephone system (the "System") pursuant to the Act.

7. Implementation of the System requires the Plaintiffs to establish a database which include the published and unpublished telephone numbers for persons and residents located within and without its jurisdiction who currently receive emergency telephone service from Plaintiffs.

8. The Defendants will not provide Plaintiffs with all non-published or non-listed telephone numbers and addresses of subscribers within the geographic area to be served by Plaintiffs System, (hereinafter referred to "Defendant's Records").

9. The Defendants' determination not to supply "Defendant's Records" to Plaintiffs is based upon the provisions of the *Electronic Communication Privacy Act*, 18 USC 2701 *et seq.*

10. Obtaining "Defendant's Records" is a legitimate law enforcement inquiry by Plaintiffs in accordance with Section 2701(d) of the *Electronic Communication Privacy Act*, 18 USC 2701(d).

11. Plaintiffs require access to "Defendant's Records" to efficiently and effectively operate their 9-1-1 System and to respond to all telephone calls made to Plaintiffs for

emergency law enforcement assistance.

12. The lack of access to "Defendant's Records" by Plaintiffs prevents Plaintiffs from establishing and maintaining a correct 9-1-1 Database and from correcting database errors which substantially impede Plaintiffs ability to reach and attain legitimate emergency law enforcement, fire and medical service goals required by the Illinois General Assembly pursuant to 50 ILCS 750/1.

13. Plaintiffs and their citizens and residents will sustain immediate and irreparable injury absent the issuance of a temporary restraining order and a permanent injunction in that the failure to provide "Defendant's Records" to Plaintiffs to establish, maintain and correct their 9-1-1 Database impedes and hinders Plaintiffs' ability to provide appropriate emergency response to its citizens and residents for law enforcement, fire and medical response programs.

14. Plaintiffs have no adequate remedy at law, and money damages are inadequate to compensate the Plaintiffs and their citizens and residents from injuries likely to be sustained.

Wherefore, Plaintiffs pray as follows:

A. For the issuance of a Temporary Restraining Order and a Permanent Injunction requiring the Marseilles Telephone Company and Ameritech to provide Plaintiffs with immediate access to "Defendant's Records" containing all non-published or non-listed telephone numbers and addresses of Defendants' subscribers in the geographic areas to be served by Plaintiff's 9-1-1 System subject to the following conditions and limitations:

1. Defendant shall provide and Plaintiff shall have access to "Defendant's Records" during the development and implementation of the Marseilles 9-1-1 sophisticated system and thereafter as needed for error corrections.

2. "Defendant's Records" shall only be made available to and made accessible by authorized employees or agents of the Plaintiff's 9-1-1 Coordinator and his designees, and such other persons as are mutually agreed upon between the Plaintiffs and Defendants.

3. Plaintiffs shall advise any such employee, agent, coordinator or designees who is given access to "Defendant's Records" of the requirements of any order entered herein and to obtain such persons agreement in writing to comply with the confidentiality provisions of any such order.

4. All persons or entities obtaining access to "Defendant's Records" shall keep all of the non-published and non-listed telephone numbers and addresses confidential and shall only use such records for the sole purpose of ascertaining the originating telephone location and customer listing to ensure that all customers are identified with the proper addresses in the Plaintiff's 9-1-1 System so that 9-1-1 emergency calls for assistance result in a timely and accurate response of police, fire and medical services.

5. Plaintiff shall make all necessary steps to protect the privacy of the "Defendant's Records" to subscribers, insure that the access to "Defendant's Records" granted by any order herein does not disrupt Defendants' telephone service or place an unreasonable burden on Defendants' subscribers or services, and protect the Defendants from any liability arising from Plaintiff's access to and use of "Defendant's Records".

B. For such other and further relief as may be meet and just.



CITY OF MARSEILLES, ILLINOIS  
an Illinois Municipal Corporation, and the  
MARSEILLES EMERGENCY TELEPHONE  
SYSTEM BOARD, an Agency of the City of  
Marseilles, Illinois, PLAINTIFFS,

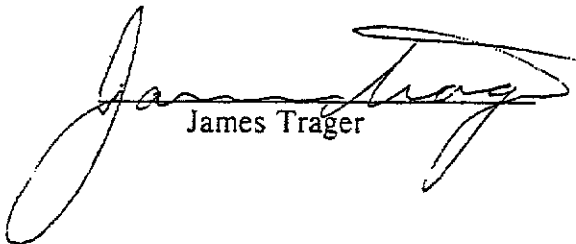
BY: 

ONE OF PLAINTIFF'S ATTORNEYS

State of Illinois     )  
                              )  
County of LaSalle    )

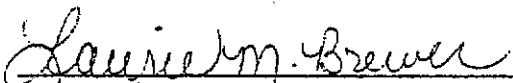
SS.

James Trager, being first duly sworn on oath, deposes and states that he is the Chairman for the Marseilles Emergency Telephone System Board, an Agency of the City of Marseilles, and as such Chairman he has personal knowledge of the statements and matters set forth in the above and foregoing complaint and knows the content thereof to be true in substance and in fact.

  
James Trager

Subscribed and Sworn to before me this

30<sup>th</sup> day of June, 2000.





Keith C. Leigh, Jr.  
Pool, Leigh & Fabricius  
628 Columbus St., Suite # 208  
Ottawa, IL 61350  
(815) 434-0097

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LASALLE COUNTY, ILLINOIS

CITY OF MARSEILLES, AN ILLINOIS  
MUNICIPAL CORPORATION, AND THE  
MARSEILLES EMERGENCY TELEPHONE  
SYSTEM BOARD, AN AGENCY OF THE  
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MARSEILLES TELEPHONE COMPANY,  
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Defendants.

**FILED**  
OCT 23 2000

LA SALLE COUNTY CLERK  
NO. 2000-CH-115

**COPY**

**MOTION FOR TEMPORARY RESTRAINING  
ORDER AND PERMENANT INJUNCTION**

Now comes the Defendants, City of Marseilles, an Illinois Municipal Corporation, and the Marseilles Emergency Telephone System Board, an agency of the City of Marseilles, by Keith R. Leigh of Pool, Leigh & Fabricius, their attorneys, and moves this Honorable Court for the entry of a Temporary Restraining Order and Permanent Injunction, and in support hereof state as follows:

1. That Plaintiffs have heretofore filed in this proceeding a Verified Complaint for Injunctive Relief.
2. That this Court has jurisdiction of the subject matter of this proceeding and of the parties hereto.
3. That the Verified Complaint of Plaintiffs has not been denied by the Defendants, and Plaintiffs incorporate by reference each and every allegation contained in said Verified Complaint as and if set forth herein *verbatim*.
4. The Verified Complaint filed herein demonstrates a necessity for the immediate entry of a Temporary Restraining Order and Permanent Injunction requiring the Defendants

and each of them, to provide to the Plaintiffs all non-published and non-listed telephone numbers and addresses of subscribers within the geographic area of the Marseilles 9-1-1 Telephone System so as to permit the Plaintiffs to correct their 9-1-1 Database errors.

5. The Verified Complaint filed herein demonstrates that the Plaintiffs are without adequate remedy at law and that the Plaintiffs and its citizens and residents will suffer and sustain irreparable harm or injury absent the issuance of a Temporary Restraining Order and Permanent Injunction as requested in the Verified Complaint.

6. Access to the telephone records of Defendants as sought herein serves a legitimate law enforcement purpose.

**WHEREFORE**, the Plaintiffs pray that this Honorable Court enter a Temporary Restraining Order and Permanent Injunction requiring the Defendants Marseilles Telephone Company and Ameritech, and each of them, to immediately provide to the Plaintiffs access to the Defendant's non-published and non-listed telephone numbers and addresses of Defendant's subscribers in the geographic areas to be served by the Marseilles 9-1-1 System subject to such conditions and limitations that this Court may deem reasonable and just.

**CITY OF MARSEILLES, ILLINOIS**  
an Illinois Municipal Corporation, and the  
**MARSEILLES EMERGENCY TELEPHONE**  
**SYSTEM BOARD**, an Agency of the City of  
Marseilles, Illinois, **PLAINTIFFS,**

BY: 

ONE OF PLAINTIFF'S ATTORNEYS

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Ottawa, Illinois 61350  
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